

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel.)
State Engineer,)
)
Plaintiff,)
v.)
)
R. LEE AAMODT, et al.,)
)
Defendants,)
and)
)
UNITED STATES OF AMERICA,)
PUEBLO DE NAMBE,)
PUEBLO DE POJOAQUE,)
PUEBLO DE SAN ILDEFONSO,)
and PUEBLO DE TESUQUE,)
)
Plaintiffs-in-Intervention.)
_____)

NO. 66cv6639 WJ/WPL

Subfile: RG-24173

**UNOPPOSED MOTION TO VACATE ORDER GRANTING DEFAULT JUDGMENT
ADJUDICATING PRE-1982 DOMESTIC WELL SUBFILE RG-24173 FOR LARA M.
COLE AND ENTER REVISED SIGNED CONSENT ORDER**

The State of New Mexico ex rel. State Engineer (“State”) hereby moves the Court to, pursuant to Fed. R. Civ. P. 60(b), vacate its March 23, 2015 *Order Granting Default Judgment* (No. 10154), and enter the Consent Order adjudicating the Pre-1982 domestic well water right associated with subfile RG-24173, attached hereto as Exhibit A, and in support thereof, states as follows:

1. On December 5, 2014, the State filed its *Motion for Default Judgment* (No. 9946) regarding pre-1982 domestic well water rights under subfile RG-24173 for Defendant Lara M. Cole.

2. The State's *Motion* correctly stated that the Defendant was in default for failure to appear, answer, or otherwise defend in this cause, and referenced the December 1, 2014 *Clerk's Certificate of Default* (No. 9945) showing the same.

3. On March 23, 2015, the Court entered the *Order Granting Default Judgment* (No. 10154), adjudicating the pre-1982 domestic well water rights under subfile RG-24173.

4. Subsequent to the entry of the *Order*, Defendant Lara M. Cole contacted the State, and alerted it to the fact that she was beneficially using a greater amount of water than the *Order* reflected.

5. The State undertook an investigation of Defendant's assertions, and found them to be correct.

6. Defendant and the State have both signed a Consent Order adjudicating the pre-1982 water right under subfile RG-24173 consistent with the above described investigation, and the actual quantity of water beneficially used from the well. The Consent Order is attached hereto as Exhibit A.

7. Contemporaneously with the filing of this Motion, the State will submit the Consent Order to the Special Master.

8. Defendant Lara M. Cole does not oppose this motion.

WHEREFORE, the State requests that the Court vacate its March 23, 2015 *Order Granting Default Judgment* (No. 10154), and enter the Consent Order adjudicating the pre-1982 domestic well water right associated with subfile RG-24173 attached hereto as Exhibit A.

Electronically Filed

/s/ Edward C. Bagley

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 29, 2016 I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel reflected on the Notice of Electronic Filing to be served by electronic means, and upon the following by United States First Class mail:

Lara M. Cole
P.O. Box 847
Tesuque, NM 87574